

**IN THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) A vehicle seat, ~~in particular functioning as a rear vehicle seat~~ having a backrest and a seat element provided at the free end of the backrest, characterised in that the seat element is pivotably linked to a backrest structure of the vehicle seat, the seat element being pivotable relative to the backrest structure about a pivoting axis that is substantially orthogonal to a longitudinal axis of the vehicle, wherein ~~and the seat element acts,~~ at the same time, as a headrest and as protection against rollover.
2. (Original) The vehicle seat according to claim 1, whereby the seat element has a substantially U-shaped structural element.
3. (Original) The vehicle seat according to claim 2, whereby the backrest structure includes at least two bracing tubes which are parallel to each other and whereby each free end of the structural element is respectively attached to one of the bracing tubes of the backrest structure such that a force diversion from the structural element to the bracing tube of the backrest structure is possible.
4. (Currently amended) The vehicle seat according to claim 3, whereby the backrest structure is joined to the structure side in respect of the vehicle, ~~in particular~~ by the backrest structure being connected to a bodyshell rear wall of the vehicle.
5. (Original) The vehicle seat according to claim 4, whereby the pivotable seat element can be locked in an upright position and in a substantially horizontal position.
6. (Original) The vehicle seat according to claim 5, whereby the pivotable seat element is pivoted, in its substantially horizontal position, towards the vehicle interior space.
7. (Original) A cabriolet vehicle with a vehicle seat according to claim 1.

8. (Currently amended) A cabriolet vehicle with at least one seat element which can be folded out of a backrest structure of a rear seat unit about a pivoting axis that is substantially orthogonal to a longitudinal axis of the vehicle, whereby the foldable seat element acts, at the same time, as a headrest and as protection against rollover.
9. (New) The vehicle seat according to claim 1, wherein the vehicle seat functions as a rear vehicle seat.
10. (New) A vehicle seat having a backrest and a seat element provided at the free end of the backrest, characterised in that the seat element is pivotably linked to a backrest structure of the vehicle seat and the seat element acts, at the same time, as a headrest and as protection against rollover;
- whereby the seat element has a substantially U-shaped structural element;
- whereby the backrest structure includes at least two bracing tubes which are parallel to each other and whereby each free end of the structural element is respectively attached to one of the bracing tubes of the backrest structure such that a force diversion from the structural element to the bracing tube of the backrest structure is possible;
- whereby the backrest structure is joined to the structure side in respect of the vehicle; and
- whereby the pivotable seat element can be locked in an upright position and in a substantially horizontal position.
11. (New) The vehicle seat according to claim 10, whereby the pivotable seat element is pivoted, in its substantially horizontal position, towards the vehicle interior space.